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July 2, 2008

MEMO ENDORSED

BY FAX

Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 755
New York, New York 10007

Re: Rohan Harry v. City of New York, et al.
08 CV 5318 (LTS)(DFE)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendant City of New York ("City") in this matter. I write to respectfully request an enlargement of time from July 7, 2008, until September 5, 2008, for the City to answer or otherwise respond to the complaint. Plaintiff's counsel consents to this application.

I note for the Court's information that according to the civil docket sheet, the two other named defendants in this action, Raymond Jansen and Eric Robinson, were served with process on or about June 17, 2008. This office has not discussed with these individuals the manner of service and we make no representation herein as to the adequacy of service upon them. A decision concerning this Office's representation of defendants Jansen and Robinson has not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of police officers, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants.

In the complaint, plaintiff alleges, *inter alia*, that on December 1, 2006, he was falsely arrested by officers of the New York City Police Department. Plaintiff further alleges that the charges against him were dismissed.

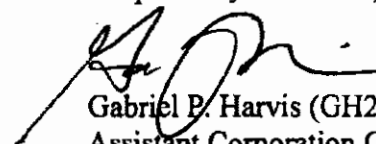
There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. As the complaint indicates that the charges against plaintiff were dismissed, this office will be forwarding to plaintiff for execution a consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiff's arrest and/or prosecution, including police records, are sealed. This office cannot obtain these records without the release, and without the records, we cannot properly assess this case or respond to the complaint.

Additionally, the enlargement will allow this office time to conduct an inquiry to determine whether it could represent the other two named defendants in this action. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). These defendants must then decide whether they wish to be represented by the Corporation Counsel. See Dunton v. County of Suffolk, 729 F.2d 903 (2d Cir. 1984). Only then can this office interview them for the purposes of responding to the complaint.

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, we respectfully request that the City's time to answer or otherwise respond to the complaint be extended from July 7, 2008, until September 5, 2008, and for such other relief as Your Honor deems just and proper.

Thank you for your consideration of this request.

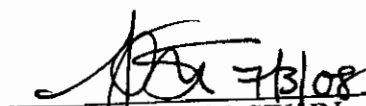
Respectfully submitted,


Gabriel P. Harvis (GH2772)
Assistant Corporation Counsel

cc: Brett Klein, Esq. (by fax)

*Defendants' time to respond to the
complaint is extended through
September 5, 2008.*

SO ORDERED.


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE